

United States District Court
Northern District of California

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE ESQUIVEL,

Defendant.

Case No.: CR 12-70442 MAG (KAW)

DETENTION ORDER

I. DETENTION ORDER

Defendant Jose Esquivel is charged in a criminal complaint with violations of 18 U.S.C. §§ 841(a)(1), 841(b)(1)(B) (Distributed, and Possessed with Intent to Distribute, 100 grams or More of Heroin). At the April 27, 2012 hearing before this Court, Defendant waived the timing of his right to proffer information at a detention hearing, *see* 18 U.S.C. § 3142(f), and also waived findings, while retaining his right to seek release at a later hearing should his conditions change. The Court notes that Defendant is subject to an immigration detainer issued by U.S. Immigration and Customs Enforcement ("ICE").

II. CONCLUSION

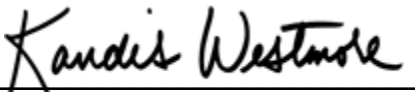
The Court hereby detains Defendant, but because he has waived his right to present information under 18 U.S.C. § 3142(f) without prejudice to raising relevant information at a later hearing, the Court orders that the hearing may be reopened at Defendant's request at any future time.

Defendant shall remain committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. Defendant shall be afforded reasonable

1 opportunity for private consultation with counsel. On order of a court of the United States or on
2 request of an attorney for the Government, the person in charge of the corrections facility in
3 which Defendant is confined shall deliver Defendant to a United States marshal for the purpose of
4 an appearance in connection with a court proceeding.

5 IT IS SO ORDERED.

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7 Dated: April 27, 2012

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9 KANDIS A. WESTMORE
10 United States Magistrate Judge